Whitehall 18th. day of *February* 168⅞.

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Sunderland P.

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A

DISCOURSE

OF

Penal Laws

IN MATTER OF

RELIGION:

Endeavouring to prove that there is no Neceſſity of Inflicting or Continuing Them.

Firſt delivered in a

SERMON

On theſe Words,

Ye know not what manner of Spirit ye are of:

OCCASIONED BY

His Majeſties late Gracious Declaration

FOR

Liberty of Conſcience,

And now humbly Offer'd to the Conſideration of the Publick.

By *James Paſton* A. M. Rector of *Little-Livermere* in *Suffolk*, and Chaplain to the Right Honourable Sir *Robert Wright* Lord Chief Juſtice of *England*.

With Allowance.

London, Printed for the Author, *Anno Domini* 1688.

A DISCOURSE OF Penal Laws IN MATTERS OF RELIGION:

Endeavouring to prove That there is no Necessity of Uniformity or Conformity Therein.

A SERMON

On this Text:

To know not what measure of Spirit We are of:

OCCASIONED BY

His Majesties late Gracious Declaration

FOR

Liberty of Conscience.

And now the Question concerning the Non-Conformity of the Dissenters.

A DISCOURSE OF Penal Laws IN MATTER OF RELIGION.

Luke 9. 55.

Ye know not what manner of Spirit ye are of.

OUR Bleſſed Saviour being to paſs through ſome Villages of *Samaria*, as he was going to *Jeruſalem*, he ſends two of his Diſciples to prepare his Way: But the *Samaritans* underſtanding that he was bound for *Jeruſalem*, (a place which they envy'd and hated) rudely refuſe to give him Entertainment.

The two Disciples therefore, being provok'd by this bold Affront, offer'd to the Son of God, their beloved Master; and knowing withall how great Power he had in Heaven, and remembring what was recorded of *Elias*; (a much Inferior Prophet) That he had call'd down Fire from thence to consume the Captains and their Fiftys, who were sent to Apprehend him: They, in the Transport of their Zeal, desir'd the like Revenge upon these Inhospitable *Samaritans*; and ask'd this great Prophet, *Lord wilt thou, that we command down Fire from Heaven, and consume them as did* Elias? But he turn'd, and rebuk'd them, and said, *Ye know not what manner of Spirit ye are of.*

2 Kings 1. 10.

The word *Spirit* here signifies an Oeconomy, or an Order, or a Temper, or Disposition. So that when our Saviour tells them, *They know not what manner of Spirit they are of*; he means, they knew not, or consider not the Oeconomy or Order of the *Gospel*: They consider not what Temper and Disposition that requires in its *Professors* and *Propagators.*

And so we may see the rebuke of our Saviour, in these Words to this Disciples, will afford us these several Observations.

1. *How*

1. *How apt even good Men are to be Impatient, when they meet with Opposition.*

2. *That it is a Fault to be so Impatient.*

3. *That the Spirit of the Law is different from that of the Gospel.*

4. *That Men are apt to forget, or not to regard what manner of Spirit they are of.*

1. We may observe, how apt even good Men are to be Impatient, when they meet with Oppsition. We see it in the Disciples: Men so good, that they had forsaken all to follow Christ; even whilst he was look'd upon by the *Chief-Priests*, and *Scribes*, and *Pharisees*, by the *Herodians*, and by the generality of the People to be an *Impostor*, and an Enemy to the establish'd Government: They followed him, when he had not where to lay his Head: They had been under his immediate Divine Tuition for several years; for it was now, when he was going to *Jerusalem* to be Crucify'd; they had seen the Holy Examples of his Life, they had heard his Doctrines, of *Humility*, of *Meekness*, of *Charity*, of *Long-Suffering* and *Forbearance*; these Doctrines they had been taught from his own Mouth: And yet these good Men,

who

who had been so advantagiously Taught, by the best of Examples, and best of Preachers, grow so Impatient, when they meet with Opposition, that no less than Fire from Heaven will suffice to Revenge them upon their Opposers: The Opposition indeed which they meet with is bold and daring, Opposition to the Son of God! But yet we see.

2. Their Impatience, though it was upon this account, was a Fault; otherwise they had not been rebuk'd for it by our Saviour. The *Samaritans* were guilty of a high provoking Sin, in refusing to give Reception to the Son of God, who came to Save them from eternal Ruine, and unspeakable Misery; in refusing to give Entertainment to him in his Journey, when he was going to perform this great and Merciful work; this sure was a Sin: And yet Christ rebukes his Disciples for being so hasty, in calling for Vengeance upon the Sinners. When we think our selves in the right, and by the Warrant of Christ himself know our selves to be so; when we are about that very business which Christ has set us; when we meet with Opposition in the performance of it, and thereupon grew Impatient, and desirous

sirous of Revenge, we become Guilty of a Fault, which deserves Rebuke. For,

3. From the Words we may observe, that the Spirit of the *Law* is different from that of the *Gospel*; and that upon many Accounts.

First, Upon the Account of the first *Author* and *Promulger* of each. *Moses* indeed, by whom came the *Law*, is said to be the meekest Man upon Earth; yet we find him in his Anger slaying an *Egyptian*, casting the two *Tables* out of his Hands and breaking them in Pieces; but we Read of no such violent transports of Passion and Zeal in Christ, the prime *Author* of the *Gospel*: There appears in him nothing but Meekness and Humility. When he comes into the World, he makes Choice of a poor Virgin to be his Mother, and he disdains not to be called the Carpenter Son; he is Born in no better place, than a Stable; he is laid in no better Cradle than a Manger. When the Angel gives him a Name, it is such a one as signifies Love and Mercy, *Jesus* a Saviour; when St. *John* points him out, 'tis under the Name of a *Lamb*, the meekest of Creatures; and when Almighty foretells of him by his *Prophet*, he describes him, *As one so gentle, that he should not break the bruised Reed, nor quench the smoaking Flax.*

Num. 12. 3.
Exod. 2. 12.
Num. 32. 19
Luke 1.
Mat. 13. 55.
Luke 2. 7.
Mat. 1. 21.
Joh. 1. 29.
Isai. 42. 2.

Se-

Secondly, Different also in the way of promulging and propagating of each; for the *Law* was delivered with the Terrors of Thunderings and Lightnings, and the *Sword* made way for its Professors, by rooting the Enemies of God out the Land of *Canaan*. God Almighty then Styles himself the *Lord of Hosts*, and appears in Camps and Armies; but the *Gospel* is deliver'd without noise: The same *Prophet* says, concerning its first Institutor, *That he shall not Strive, nor Cry, nor lift up, nor cause his Voice to be heard in the Streets.*

Exod. 20. 18
Exod. 23. 31
Num. 33. 52
Deut. 9. 3.
1 Sam. 1. 3.
Isa. 42. 2.

And when he sends forth his *Apostles*, he tells them, *I it as Sheep among Wolves*; the Meekest Gentlest Creatures among the most Violent and Ravenous; and yet he allows them no other Defence or Support but their Innocence: Neither *Gold* nor *Silver* in their Purses, nor Staves in their Hands; they may indeed be as Wise as *Serpents*, but then they must be also as Harmless as *Doves*.

Mat. 10. 16. 9. 10.

Thirdly, Different also in the Doctrine of each. The *Law* teaches an active Valour, to be strong and of good Courage: But the *Gospel* is Passive; to turn the other Cheek, when one is smitten; and Blessedness we find chiefly promised to suffering Vertues.

Deut. 31. 6.

To

To the poor in Spirit, to those that Mourn, Mat. 5.
to the Meek, to the Merciful, to those that are Persecuted for Righteousness sake: The *Law* forbad Actual Killing, but the *Gospel* even Causeless Anger: The *Law* allow'd Retaliation, Eye for Eye, and Tooth for Tooth; but the *Gospel* forbids resisting of Evil: The *Law* commands loving of Neighbours, and hating of Enemies; but the *Gospel* commands loving of Enemies, to Bless them that Curse us, to do good to them that hate us, and to Pray for them that despitefully Use and Persecute us.

Fourthly, Different also were the Behaviours of the Propagators of each towards those that oppos'd them, and different the Punishments of their Opposers. When *Pharaoh* withstood *Moses*, Miracles of Vengeance are inflicted; his Rod is turn'd into a stinging Serpent; the Waters of *Egypt* into Blood; the gain-saying People are infested with Frogs, and Flies, and Locusts, with such Darkness as might be felt; the Dust of the Land is turn'd into Lice; the Cattel are afflicted with Murrain; the People with Boils and Blains, both Man and Beast with Thunder and Hail, and Fire running upon the Ground, all the first born of *Egypt* are smitten Exod. 7. &c.

with sudden Death. And *Moses*'s Law more over inflicted Death upon several sorts of Criminals among themselves. The *Murderer*, the *Thief*, the Breaker of the *Sabbath*, the *Rebellious* and *Disobedient* were to die the Death; and the *Priests* themselves sometimes were the Executioners of Mortal Vengeance, and sometimes procured it by miraculous Means. *Phineas* the Son of *Eleazer* Stabs *Corby* and the *Midianitish* Woman; the Sons of *Levi* are commanded by *Moses* himself to put on every Man his Sword, and to go in and out, from Gate to Gate, throughout the Camp, and to slay every Man his Neighbour; the Prophet mention'd in this Chapter by the Disciples, call'd down Fire from Heaven, upon the Captains and their Fiftys who were sent to apprehend him; These and many other Instances we have in the *Old Testament*, shewing the vindictive Behaviour of the Asserters and Propagators of the Law, towards those who infring'd or oppos'd it.

Num. 25. 16
Deut. 24. 7.
Exo. 31. 15.
Deut. 21. 21
Num. 25. 8.

But the Carriage of the meek Lamb of God is quite different. All his Miracles were such as were winning, not terrifying. Miracles of Mercy, not of Vengeance; all perform'd without noise or Pomp. He feeds

the

the Hungry, gives Sight to the Blind, Hearing to the Deaf, Raiſes the Dead. And when notwithſtanding all theſe wonderful Works of Love, he is led as a Lamb to the Slaughter, and as a Sheep before her Shearer is Dumb, he opens not his Mouth, unleſs it be to put in practice his ſtupendiouſly Charitable precept of Praying for his Maliciouſly Blind Perſecutors. *Father forgive them, they know not what they do*; No Vengeance, no return but of Good for Evil; no Fire from Heaven but that of Love to melt their hard Hearts: No exterior Force, no outward Puniſhments are made neceſſary in the *Goſpel*. For the *Chriſtian Church* was to overcome its Adverſaries by meekneſs, to conquer by patient ſuffering, to ſilence its Gainſayers by Martyrdom.

Mat. 14. 19. 12. 22. Mark. 7. 35. Act. 8. 32. Luk. 23. 34.

It is true we find ſuch an Expreſſion as this in a Parable, *Compel them to come in*: But its force ſeems to be abated in another, where it is ſaid, *Let the Wheat and the Tares grow together till the day of Judgement*: In which laſt Parable Chriſt Intimates at leaſt, that there is no abſolute neceſſity of rooting up; probably leaſt ſome undiſcerning raſh Hand pluck up the Wheat with the Tares, deſtroy the good with the bad; and then moreover

Luk. 14. 23. Mat. 13. 29.

Paraphrase upon the place. that Expression, *Compell them to come in*; According to the Learned Dr. *Hammond* implyes not outward Force, but the more gentle compulsion of Love: Which, as the Wiseman tells us, Cant. 8. 6. *Is as strong as Death*; *Compel them to come in*, according to the *Paraphrast*, is importunately Woo them.

And the Apostles followed their Master in these ways of Meekness; they propagated his Religion by gentle means, by their own, not by others Suffering; they endur'd Act. 5. 40. Stripes and Imprisonment, and Death; but 2 Cor. 11. 25 inflicted none of these Severities upon others, Act. 12. 2. either without or within the Church. 7. 58. *Ananias* and *Saphira* were destroyed by sudden Act. 5. 5. 10. Death, but it was by the immediate Hand of God Almighty; we read not that this Vengeance was called for, or so much as wish'd for by the Apostles, whom these Criminals endeavour'd to impose upon; the Joh. 16. 13. Apostles sure were *Infallibly* certain that they Mat 28. 20. taught the Truth, and yet they endeavour'd Luk. 10. 16 with all midness to perswade others to embrace it, and with Patience endur'd the stubborn and unreasonable contradiction of their Opposers.

And this gentle course was taken also in succeeding Ages, and the Church grew and flouriſh'd

flourish'd by being irrigated by the Blood, not of Adversaries, but of its Martyr'd Children; near three hundred years pass'd from the death of our Saviour, before there were any Christian Kings or Emperours, and therefore before there was any outward Force. And yet Christianity made out its way, not like *Vinegar* or *Aqua-fortis*, but like *Oil*, it gently spread and easily insinuated into all Bodies, and all Societies; it conquer'd without any Sword, but that of the Spirit. There was no rooting out of a *Canaanite*, no slaying of Old and Young, Infant and Suckling, Sheep and Oxen. And when *Christians* took up Arms, it was in Defence of their Goverours, and by Temporal Authority, upon which account they often laid down their Lives, but would not otherwise lift up their Hands to defend themselves from their Persecuting Enemies. For,

Fifthly, The *Law* and the *Gospel* differ'd in their very Constitution. By the *Law* the Civil and Ecclesiastical Powers were blended and interwoven together, from the beginning, by God Almighty's own Authority: And *Moses* and *Aaron* went Hand in Hand. But the *Gospel* came into the World without any Temporal Power to support it; all Tem-

Temporal Governments were against it. *Their Lord of Hosts* now become the *Prince of Peace*, and the *Lyon of the Tribe of* Judah, *the meek Lamb of God*; so great and so manimanifold were Differences between the *Law* and the *Gospel*. The Spirit of Christianity is a Spirit of Meekness; the Disposition and Temper of Christians, ought to be Meek, and Humble, and Patient: But according to the

IV. Next Observation from the Words, men are apt to forget, or not to regard what manner of Spirit they are of. It is evident from their being so prone to be carried away by a different Spirit from that of the *Gospel*; we see it even in these two Disciples of our Saviour, and too frequently in some of all sorts of Men; Opposition moves their Passion, and Passion hurrys them beyond the bounds of Reason and Religion; and they so far forget themselves, as to imagine that Fire from Heaven, or Fire upon Earth, or some other outward Penalties are necessary for the support of Christian Religion, and that it cannot subsist without confiscating the Goods of its Oppolers, Stripes and Imprisonments, Hanging and Quartering and other like Penalties inflicted upon

upon the persons of the Adversaries; as if Religion had lost that Primitive Native Beauty by which it tempted the greatest and most reasonable part of the World to its Embraces: As if it had lost that Primitive Native Strength, whereby it stood the shock and violence of the Powers of the Earth and Hell, and now stood in need so much of outward Terrours that it could not subsist without them. That Christ's Religion prevail'd for the first three hundred years without these outward Helps, is not to be deny'd; nay that it has prevail'd in several places of the World is as undeniable, and that Naked and Unarm'd; and that there is no one place in all the *New Testament*, that seems so much as to countenance outward Compulsion, is as evident. If any Church Tradition does warrant it, I think it is yet to be produced; and therefore I cannot see, what Spirit they are of, who so zealously assert the necessity of such outward *Penal Laws*. I know it has been frequently urg'd by some, that the reason why the Primitive Christians made no use of them, was because they were not protected by the Civil Power; but shall we imagine, that one sort of Temper is requir'd in Christians in the time of Adversity, and ano-

another quite contrary in the time of Prosperity? One whiles they were under Persecution, and another when by being favour'd by the Civil Magistrate they were in a condition to Persecute one another? That Christ design'd that the Meekness of his Followers, in the times of Persecution, should be only a trick to Wheedle, and lull a sleep the civil Magistrate, till the Sword drop'd out of his Hand, that they might snatch it up, and use it against their Adversaries and one another. When Christ did forbear punishing his Malicious Opposers, it was not because he wanted Power to avenge himself; he could have commanded Fire from Heaven; *Or more then twelve Legions of Angels* to this purpose, but it was not according to the Spirit of the *Gospel*.

Mat. 26.53.

But now after all this, that this Discourse might be the less imperfect, there are several things to be consider'd. As

1. *Whether Christ did not design Unity in his Church?*
2. *What means himself has appointed to effect this Design?*
3. *Whether outward Force has not been made use of to this purpose?*

4. *When*

4. *Whence this outward Force did proceed?*]
5. *Whether this outward Force be always and alike neceſſary?*
6. *In whoſe Power it is to Inflict, or remit Temporal Puniſhments?*

1. Whether or no Chriſt did deſign Unity in his Church? Which doubtleſs he did as much as he deſign'd Truth and Holineſs; for we find that he ſays concerning thoſe that ſhall hear his Voice, *That they ſhall be one Fold under one Shepheard*; And in his Prayer, he thus Supplicates his Heavenly Father, *Holy Father, keep through thine own Name thoſe, whom thou haſt given me, that they may be one as we are*; and ſo in ſeveral other places. And therefore in the Acts we read, that they *Continued daily with one accord*; and that *the whole Multitude of them that believ'd were of one Heart, and of one Soul*. *I therefore the Priſoner of the Lord, beſeech you* (ſays the Apoſtle) *that ye walk worthy of the Vocation wherewith ye are called,* —— *Endeavouring to keep the Unity of the Spirit in the Bond of Peace*; and afterwards, there is one *Body, and one Spirit, one Hope of your Calling, one Lord, one Faith, one Baptiſm*; and the ſame Apoſtle, *Now I beſeech you Brethren, that ye*

Joh. 10. 16.
Joh. 17. 11.
Act. 4. 32.
Eph. 4. 1.
4, 5, 6. verſes of the ſame chap.

1 Cor. 1.10. *all speak the same thing, and that ye be perfectly join'd together in the same Mind, and in the same Judgement.* So that it is evident, that *Christ* design'd Unity in his Religion, and this might be made appear further from the Writings of the Holy Fathers, and the Decrees of Sacred Councils: Whose very design of meeting was for the Preservation of Unity, but I have not room here to insist upon such Proofs, and therefore I pass to the

2. Second Consideration; namely what means Christ has appointed as requisite to this purpose: And those are, to teach his Doctrine to Mankind. *Go ye,* says he to
Mat. 28.19. his Apostles, *and Teach all Nations*; To Administer his Sacraments, whereby Christians might grow together in his Doctrines; to
1 Tim. 5.20. Rebuke the Disobedient, and to cast out of the Christian Society the Stubborn, and the
1 Cor. 5.13. Obstinate, *With such, no not to eat.* And
1 Cor. 16.22
1 Cor. 5.11. because differences might arise, as well about Religious as other Concerns, he appoints that Appeals should be made to the Church; and that they who submitted not to her Determinations, should be look'd upon as *Heathens and Publicans*: that is, should be
Mat. 18.17. depriv'd of the ordinary Means of Salvation. These are the Means by which Christ appointed,

pointed,

pointed, that Unity ſhould be preſerved in his Religion. Nothing in all this of Outward Force, nothing of Puniſhment of the Body or Purſe. I come now therefore to conſider,

3. Whether or not Outward Force has not been made uſe of to effect this Deſign? Which doubtleſs it has; and People have been puniſhed in Body, in Purſe, by loſs of outward Priviledges, of Liberty, and of Life, in all Chriſtian Nations in general, and in Ours in particular. The Law for Burning of *Hereticks*, was in Force at leaſt two hundred and ſixty years: For as our *Engliſh* Chronicle tells us, it was firſt put in Execution in the Reign of *Henry* IV. and continued Un-repealed till about the middle of the Reign of the late King; and even ſince the Reformation there have been ſeveral other Laws made for the External Puniſhment of *Diſſenters* from this Church: Twelve Pence a *Sunday*, Twenty Pounds a Month, taking away the Goods, Impriſoning and Baniſhing Excommunicate Perſons; ſuch outward Puniſhments and others more ſevere, have been inflicted even under *Proteſtant Princes*, upon the Diſobedient and Diſſenting in matters of Religion, and that in this our

Baker's *Chronicle fol.* 168. *Printed* 1674.

Nation. And indeed almoſt all ſorts of Men, I may ſay all, who have had opportunity by being aſſiſted by the Civil Magiſtrate, have at one time or other thus puniſh'd thoſe that have Diſſented from them; and the very ſame kind of Men, nay ſometimes the very ſame Men, who have been very Clamorous againſt ſuch Severities under one Government, have themſelves inflicted them under another. It muſt therefore be granted, that outward Force has been made uſe of, to compel the Profeſſors of Chriſtianity to Unity in Religion. And now therefore we come to conſider in the

4. Fourth place, whence this outward Force proceeded. And to this end we muſt conſider, that in the Chriſtian World there have been two ſeveral diſtinct *Powers*, *Civil and Eccleſiaſtical*, the power of the *Church*, and the power of the *State*. The power of the Church reſides in *Biſhops* and other Church-Governours, and Teachers; the power of the State reſides in *Emperours* and *Kings*: And thoſe powers, though diſtinct, proceed both from one and the ſame God: Rom. 13. 1. *There is no Power but of God*, ſays the *Apoſtle*. The Kings and Emperours of the World had a power from him before ever there was

a *Christian Church*: And the *Christian Church* had its power, before ever there was a *Christian King* or *Emperour*. To *Kings* and *Emperours*, and other Civil Governours, God Almighty gave power to make Laws, and to punish the Disobedient by outward punishments, such as Stripes and Imprisonments, by loss of Limbs or by Death; that they might be a *Terror to the Wicked*; therefore of such a Magistrate the *Apostle* tells us, that *He bears not the Sword in vain*. To the Church he gave power to Teach, to Exhort, to Rebuke, to Injoyn (though not to Force) Penances, and to Excommunicate. This power was given Originally to *Christ*, and he delegated it to his *Apostles* and their Successors, *As my Father sent me, so I send you*. They had no power to go any further; all outward punishments must proceed from the Civil Magistrate; he, under God, is the sole Fountain of Co-ercive power, and all *Penal Laws* and the Execution of them must proceed from him. And this appears by considering that there were no Co-ercive *Penal Laws* to compel men to Unity in Christian Religion, till Kings and Emperours became Christian, and then by Vertue of that power, which they had before they

Rom. 13. 3, 4.

were

were Christian, they made Laws for the outward punishment of the Disobedient, as Infringers of their own Laws, and Disturbers of their own Government, and of that Church, whose protection they had undertaken. The Civil power then arm'd in its Defence, and that in this, as well as in all other Christian Kingdoms; it is therefore from hence that all outward punishments proceed. I pass now to the

5. *Fifth* consideration; Namly whether this outward Force be always and alike necessary to be put in Execution? which doubtless it is not. For it is evident from those Historical accounts, which no man denys to be true, that *Christian Religion* not only stood, but flourish'd and wonderfully increas'd, during the first three hundred years, when all the Kings and Emperours in the World, instead of supporting it, endeavour'd by all means, wheresoever it appear'd, to suppress it; by Flatteries and Temptations of Honour, they endeavour'd to Allure its Professers from it, by Scorns and Reproaches to shame them, by the most severe Banishments and Imprisonments, by the most cruel Tortures and Deaths to Terrify them. Racks and Wheels, Broiling alive upon Grid-

Gridirons, Impaling Alive upon Stakes, rending in Pieces by Wild Horses, Crucifying, Devouring by Wild-beasts, and many other Barbarous and Inhumane Cruelties were made use of to destroy *Christianity*, and its Holy Professors; but all in vain: Which plainly and undenyably Demonstrates, that *Christianity* can stand without outward Punishments inflicted upon its Opposers, since it cannot be ruin'd by them.

Christian Governours have, and do at this day make use of some severe Means in some *Christian Countries* to compel *Christians* to Unity: How warrantably, is out of my Sphere to dispute, much more to determine. All that I drive at, is only to shew, that there is no Absolute Necessity of so doing at all Times, and in all Places. For there is difference between preventing an Evil, and endeavouring to remedy it, when it is too great for a remedy, and when the Remedy is worse than the Disease; there is difference between preventing the sowing of Tares among the Wheat, and plucking them up when sown and grown together.

And it is considerable, that Dissenting in matters of Religion is not always guilty of the same degree of Malignity. In all probability

bability the first Dissenters had more of Pride in their Dissenting: When one man, or some few should break from a Communion, and thinking themselves Wiser than a whole Church, make and begin a Separation from it, and stubbornly persist in their singular Errours; but Education, and want of due Information may make the *Schism* less Criminal in their Successors; they have, it may be, since the beginning, had among them men of Parts and Learning, and (as they suppose) men of Integrity; they have had also among them such as have Suffer'd in the Cause which they adher'd to. Children are apt to think well of their Parents, and to believe, that they would never have lived and died in this or that Religion, and have recommended it also those whom they Lov'd so dearly, unless they had been certain of its Truth.

These things consider'd, no man can say, that there is always the same reason for putting *Penal Laws* in Execution, especially when they, who are lyable to be punish'd by them, are so numerous, that it is the way to make a Kingdom Desolate, and to render a Prince King of a Wilderness. And besides, when we have no assurance that Gentleness will

will not work the best effect, that can be design'd by rigour; gentle Means seem to be more according to the Spirit of the *Gospel*, and there is no Party but thinks so, when it self is in a suffering Condition. No man can say that Forbearance may not at least, sometime be try'd. I come now therefore to the

6. *Sixth* and last thing to be considered; Namely, in whose Power it is to inflict or not to inflict Temporal Punishments? And sure it is in the Kings or Civil Governours, he can remit as well as punish, unless it should be impiously pretended, that he is no better than a common Executioner; he has doubtless the supreme coercive Power, and the directive Power can only direct, not compel him to strike; and where the same Person is suppos'd to be invested with the supreme directive, and the supreme coercive Power too, there sure that person has Power to determine when such Penalties are to be inflicted, suspended or abrogated, as well as actually to inflict suspend or abrogate.

The result therefore of what has been said upon these six Considerations, is this Namely, That though Christ design'd Unity in his Church and Religion, yet he has given no power to his Church to Force to it

by outward Penalties. When outward Penalties have been inflicted, they were inflicted by the Temporal Authority. That the inflicting these outward Penalties is not always and alike necessary; that it is in the power of the Supreme Civil Magistrate to inflict or not inflict them.

Let us therefore calmly consider, what reason or ground there is for the mighty Outcry, that there is amongst some men against Tolleration in matters of Religion? As if all were lost, and Religion undone, because Men are not still compell'd by outward Force. One thing must needs seem strange and amazing to every considering Man; namely, to hear the same persons inveigh against the *French* King for Executing the *Penal Laws* against Dissenters in *France*, and against their own King for Suspending the *Penal Laws* against Dissenters in his Dominions; against that King for Persecuting his Subjects, and against this King for not Persecuting his: So St. *John Baptist*, *Came neither Eating nor Drinking*; and the *Scribes* and *Pharisees* say, *Behold he has a Devil*: *The Son of Man came Eating and Drinking*; and they say, *Behold a man Gluttonous and a Wine-biber, a Friend to Publicans and Sinners*:

Whereas

Whereas indeed neither was our Saviour any otherwise a Friend to *Publicans* and *Sinners*, then in his design to Save them: Nor had *John Baptist* a Devil: But sure they whom nothing will please, are possess'd with a strange Tetchy, and froward evil Spirit; and what our Saviour said to his two Disciples, may rightly be apply'd to them, *They know not what manner of Spirit they are of*. However, they seem not to consider, what meekness the *Gospel* injoyns, by what meekness it at first stood and prevail'd; they seem not to consider the nature of that power, which *Christ* put into the Hands of his *Church*, which extended only to Teaching, Exhorting, Rebuking, Administring Sacraments and Excommunicating: And that when outward Force has been made use of, it proceeded wholly from the Temporal Authority, and that it is in the power of this Authority to inflict or not to inflict Temporal punishments.

But now it may be some will be ready here to object, that whiles I Discourse thus, I seem to forget two main things, which particularize our Circumstances; Namely, 1*st*. How His Majesty has been pleas'd to ingage Himself to protect the present establish'd *Church of England*. 2*dly*. What the

particular constitution of Government is in these Kingdoms under His Majesty. And though what has been said already may be sufficient to give satisfaction as to these two particulars; yet, in the residue of my Discourse, I will briefly say something more to each. And

First, As to the King's having ingag'd Himself to protect the present Establish'd Church. The Church may be protected and effectually too, though the Civil Magistrate inflicts not Temporal Punishments upon those that Dissent from her, for Dissenting. His Majesty protects her and maintains her (as he says in his *Gracious Declaration*) *In the free Exercise of her Religion, as by Law Established, and in the quiet and full Enjoyment of all her Possessions without any Molestation or Disturbance whatsoever.* How Happy would the primitive *Christians* have thought themselves, might they have had such Protection. Nay, it is considerable, that it seems not improbable that taking away the smart of *Penal Laws* from a Churches Adversaries, may make that Church more safe because it may make them less Industrious to Destroy her, since they find themselves undisturb'd by her standing, and are not therefore vex'd into *Conspiracies* against her: And then Se-

Secondly, As to the present Churches particular Constitutions in this Kingdom, they seem to Recognize a Right in the Civil Power, and particularly in the King to determine at least in Exteriors, and therefore when *Penal Laws* are to be Executed; for the first *Canon* says that, *The Kings Power within His Realms of* England, Scotland *and* Ireland, *and all other His Dominions and Countries, is the highest Power under God, to whom all Men, as well Inhabitants as born within the same, do by Gods Laws owe most Loyalty and Obedience, afore, and above all Powers and Potentates upon Earth.* Canon 1. And in the five and fiftieth *Canon* it is injoyn'd to Pray for the King under the Title of, *Our Soveraign Lord King of* England, Scotland, France *and* Ireland, *Defender of the Faith, and Supreme Governour in these Realms, and Dominions, and Countries, over all Persons and in all Causes, as well Ecclesiastical as Temporal.* Canon 55.

The Oath of Supremacy also Stiles him the *Only Supreme Governour of this Realm, and of all other His Highnesses Dominions and Countrys, as well in Spiritual or Ecclesiastical Things or Causes as Temporal.* And therefore *Charles* I. the Royal Father of our present Gracious Soveraign, Stiles himself *Head* of the

Εἰκὼν Βασιλ. λικὴ. cap. 17.

the *Clergy*, *The tenuity and contempt of Clergymen*, (says he) *will soon let them see what a poor carcass they are, when parted from the influence of that Head to whose* Supremacy *they have been Sworn.*

So that the King in suspending the *Penal Laws*, has done nothing contrary to His Royal and Gracious Promise to Protect the Church of *England*: Nothing beyond that Power, which the Church of *England*, in her *publick* Canons, ownes to be in the Kings of *England*. I beg leave therefore, humbly to Advertise those Men of this Church, who are disatisfied with His Majesty's late Gracious *Declaration* for *Toleration*, that they seem neither (at the same time whilst they are so disatisfied) to consider the *Oeconomy* of the *Gospel*, the temper it requires in Christians, nor what benefits of Protection the Church of *England* enjoys, nor what Power its *Canons* own to be in the King. Doubtless the Actions and Expressions, very indiscreet, (to give them no worse Epithet) which some Men have been guilty of, and which they have been hurry'd into by a blind inconsiderate Zeal, have help'd (in a great measure) to introduce that *Toleration* which they now exclaim against; and yet after all the noise,

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His Majesty by the Power, which they Recognize in Him, deprives not the Church of any one Branch of that Power, which Christ gave to *his* Church: She may teach still, she may still exhort, rebuke, enjoyn *Penances*, and Excommunicate those of her Communion as much as ever. So that I say, the King takes not away the Churches power, but only forbears Executing of His Own, in punishing *Dissenters* for *Dissenting*.

And this is no more, than what our late King His Royal Brother did, for He also Granted an *Indulgence* to *Dissenters*: Nay, no more than what His Royal Father *Charles* the First advised His Son to, when *Prince of Wales*: When He bids Him *Beware of exasperating any Factions, by the crossness and asperity of some Mens Passions, Humours, or private Opinions imply'd by Him, grounded only upon differences in lesser matters, which are but the Skirts and Suburbs of Religion; wherein connivance and Christian-Toleration often dissipates their strength, whom rougher Opposition fortifies, and puts the despised and opposed Parties into such combinations, as may most enable them to great full revenge on those they count their Persecutors, who are commonly assisted by that vulgar commiseration which attends all that are said to suffer under the notion of Religion.* This

Εἰκὼν Βασιλ. xii, cap. 27.

This that good *King* had too much cause to say, for He had found it true by a woful Experience; and this our present Gracious Sovereign seems to consider. For He tells us in His *Declaration*, not only that *Conscience ought not to be constrain'd, but that He is confirm'd in this Opinion the more, by the Reflections He has made upon the Conduct of the four last Reigns; for after all the frequent and pressing endeavours that were used in them, to reduce this Kingdom to an exact Conformity in Religion, it is visible that the Success has not answered the Design, and that the Difficulty is invincible*: So that His Majesty in Granting a *Toleration*, does no more than what His Brother did, no more than what His Father Advised, no more than what His Royal Wisdom, by weighing the precedent management of Publick Affairs, sees to be expedient and necessary. Nay, some of those very Men, who so Zealously exclaim against it, have themselves resolv'd in Parliament (as I have been inform'd) and with a *nemine contradicente*, that the *Penal Laws* were grievous to the Subject, gave advantage to *Popery*, and were destructive to the *Protestant* Religion; and why therefore should these Men, especially, be displeased, that the King

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has ſuſpended ſuch Laws as themſelves thought ſo pernicious? Why ſhould they envy the King the Pleaſure and the Honour of thus mercifully eaſing His Subjects of their Grievances, and thereby ſecuring that Religion which theſe Patriots would ſeem ſo tender of? the Reaſon is too ſhameful to be mention'd, and therefore I ſhall paſs it over in ſilence.

And beſides, let us but conſider what good ſuch Severities have done? what advantage the Church has made of putting the *Penal Laws* in Execution? It may be ſome very few by this means, have been brought to a real Conformity, whilſt none knows but that Gentleneſs might have won more. But then many have thereby been ſcar'd into Hypocriſy, and have entered under the Sacred Roofs only for ſhelter, not from meer Excommunication, no, this they accounted but *Brutum fulmen*: But from the danger which followed, to conſume their Goods and Eſtates. They choſe to go to Church, to keep from going to Goal. Whilſt many thouſands to avoid both, tranſplanted themſelves and Families in Foreign Countreys, to the ruine of Trade, and impoveriſhing the Kingdom; and others who ſtay'd though

devided among themselves) yet united against the Church of *England*, which the several *Dissenters* look'd upon as their Common Enemy, and under that notion it was ruin'd in the time of *Charles* the First, and its overthrow has been contriving by them ever since. This has made the Peace of the Kingdom unsettled, and render'd the Estates and Lives of its Inhabitants continually unsafe. And if the *Dissenters* from her should meet with as fit a Juncture, as Mr. *Fox* did, to Write a Book of *Martyrs*, to set forth in frightful representations, the Proceedings of *Ecclesiastical Courts*, and describe with such horrid uglines, the *Chancellors*, *Commissarys*, and *Apparitors*, with the *Imprisonments*, *Pillorings*, and *Banishments*, with the *Starvings of Families*, the *Burnings*, the *Hangings*, and *Quarterings* which have been inflicted since the *Reformation*; doubtless it would cause as great a Dread and Abhorrence of the Church of *England*, as even Mr. *Foxe's* Book did of that of *Rome*.

For People have and do conspire against their Persecutors, or Prosecutors, whoever they be, and are provok'd by severities, from whence soever they proceed, and when they are so provok'd, the danger is too great to

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be slighted, where the Malecontents are numerous. For there never want Men, Men of no Religion, to make their advantage of the Religious Discontents in the mistaken, tho well-meaning *Dissenters*. So the House of *Bourbon*, to revenge themselves for the supposed wrong, which they had offer'd them in the Court of *France*, according to the subtile advice of Admiral *Coligny*, made use of the *Hugonots* (who were discontented for being deny'd a *Toleration*) to work its dreadful Revenge, and dreadful I may call it, for by this means, that wretched Kingdom groan'd under the dismal misery of a Civil War for the space of almost Forty years: So our Ambitious *Commonwealths*-Men made use of our *Dissenters* to destroy *Monarchy*, when these *Dissenters* also were discontented for want of a *Toleration*, and gall'd with the *Penal Laws* in the Reign of *Charles* the First, and by their help they subverted the Government both of Church and State. In the doing of which, what Blood was spilt? what *Rapine*? what *Sacriledges*? what *Murder* was committed? But our Gracious King has prevented such horrid Miseries, has secur'd His Subjects from the like civil Ruins and Devastations, for by suspending the *Pe-*

Davila's *Hist. of the Civil Wars of* France, lib. 1. pag. 18, 19. *Printed in the Year.* 1678.

nal Laws, he has obſtructed the pernicious Deſigns of theſe wicked and *Commonweal*. principled Men. It is in vain now for theſe Politicians to think to deſtroy the Government, and Uſurp the Rights of their King, and their fellow Subjects by thoſe that want a *Toleration*, for none want one. So that for my part, I ſee no reaſon why we ſhould not think our ſelves, why every Party ſhould not think it ſelf more ſafe now, than at any time for many years before; nor can I imagine (ſince the Church of *England* in her publick *Canons* and *Conſtitutions*, owns ſo much Power in the King) why her Members ſhould forbear thanking His Majeſty, for His Gracious Promiſe to make uſe of this Power, to Protect this Church, although Himſelf be of another; why, when all Parties return their grateful acknowledgments of His Royal Favour, they ſhould generally perſiſt in their *Non-Addreſſing* humour, and come behind even thoſe, whom they have tax'd with Diſ-loyalty. It will make ſome imagine, and they do object it, that the reaſon why the *Diſſenters* have been Diſ-loyal, is only becauſe Kings have endeavour'd to ſuppreſs them; and the reaſon, why the Members of the Church of *England* have been Loyal,

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is only becauſe Kings have endeavoured to ſupport them by ſuppreſſing all that are not of her Communion.

But what Cauſe have any of her Members to murmur and complain? the King takes not from her any of thoſe means by which Chriſtianity at firſt prevail'd; nay, he protects her in the Exerciſe of her Religion, in the Injoyment of her Honours and Revenues. He ſuffers her not indeed to diſturb any for matters of meer Religion: But then he ſuffers none to diſturb her; for himſelf under the great King of Heaven is the Gracious and common Defence of all.

My humble advice is therefore, that none would follow the Humours of miſtaken, intereſted and revengeful Men, who care not though they Sacrifice the publick Peace to their own private Advantage and froward Diſcontent. It is but reaſonable, that all ſorts of Men endeavour to make His Majeſties Government eaſie, for all enjoy the benefit of it, and that by a Peaceable and quiet Behaviour; and though there be difference in Religion, yet let there be one and the ſame Loyalty in all, for it is Due from all, and that upon the account of Intereſt, as well as Duty. For according to

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E' κὸν Βασιλικ. cap. 15.

that saying of *Caarles* I. *Different Professions in point of Religion cannot (any more then in civil Trades) take away that Community of Relations either to Parents or Princes.* And before in the same Chapter, *Differences of Perswasion may easily fall out, where there is the sameness of Duty Allegiance and Loyalty.* I wish with all my heart, that it were not seasonable to advertise some Men, that as it is unlawful to take up Arms, so also even the Tongue or Pen, against the King, upon any pretence whatsoever. That the same Duty, Allegiance and Loyalty, not only obliges us to tye up our Hands from Striking, but to restrain the Pen from Writing, and (that as sharp Instrument) the Tongue from making any Invectives, any keen Reflections upon the Actions of his Sacred Majesty, who is the common Parent of his Country; commonly the one is but a preparative to the other; and Reflecting and Murmuring but more wary steps to Rebellion. Let us not therefore upon any pretence whatsoever, take up so much as these Weapons, and I am sure as yet we have no colourable pretence to do so, and I really believe we never shall have any. Let us live in that peace, which the Spirit of meekness recommends,

mends, and indiſpenſably injoyns. And let our main contention be, who ſhall moſt adorn His Chriſtian Profeſſion, by true Piety to God the King of Kings, by true Loyalty and Obedience to his Vicegerent King *James* the Second: May whoſe Gracious Reign continue over Us, till any Party ſhall deſire its own Suppreſſion by its Adverſary.

FINIS.